

CHAMBER ACTION

1 The Transportation Committee recommends the following:

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3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to driving under the influence; amending
7 s. 316.1937, F.S.; authorizing the court to order a
8 portion of a DUI fine to be used to pay certain costs
9 related to ignition interlock devices; amending s.
10 322.271, F.S.; correcting a cross reference; creating s.
11 322.2715, F.S.; directing the Department of Highway Safety
12 and Motor Vehicles to require the placement of a
13 department-approved ignition interlock device on specified
14 vehicles operated by a person convicted of committing
15 certain DUI offenses; providing for an exception for
16 certain medical conditions; specifying the duration of the
17 installation period; directing the department to require
18 installation of the ignition interlock device when the
19 court fails to order the mandatory placement of the device
20 or fails to order placement for the applicable period upon
21 a conviction for a DUI offense; providing for an exception
22 for certain medical conditions; providing an effective
23 date.

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Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (d) of subsection (2) of section 316.1937, Florida Statutes, is amended to read:

316.1937 Ignition interlock devices, requiring; unlawful acts.--

(2) If the court imposes the use of an ignition interlock device, the court shall:

(d) Determine the person's ability to pay for installation of the device if the person claims inability to pay. If the court determines that the person is unable to pay for installation of the device, the court may order that any portion of a fine paid by the person for a violation of s. 316.193 shall be allocated to defray the costs of installing the device and to pay the monthly fees, surcharges, insurance costs, and deposit costs.

Section 2. Paragraph (d) of subsection (2) of section 322.271, Florida Statutes, is amended to read:

322.271 Authority to modify revocation, cancellation, or suspension order.--

(2)

(d) The department, based upon review of the licensee's application for reinstatement, may require use of an ignition interlock device pursuant to s. 322.2715 ~~316.1937~~.

Section 3. Section 322.2715, Florida Statutes, is created to read:

322.2715 Ignition interlock device.--

52 (1) Before issuing a permanent or restricted driver's
53 license under this chapter, the department shall require the
54 placement of a department-approved ignition interlock device for
55 any person convicted of committing an offense of driving under
56 the influence as specified in subsection (3), except that
57 consideration may be given to those individuals with a
58 documented medical condition that would prohibit the device from
59 functioning normally. An ignition interlock device shall be
60 placed on all vehicles that are individually or jointly leased
61 or owned and routinely operated by the convicted person.

62 (2) For purposes of this section, any conviction for a
63 violation of s. 316.193, a previous conviction for a violation
64 of former s. 316.1931, or a conviction outside this state for
65 driving under the influence, driving while intoxicated, driving
66 with an unlawful blood-alcohol level, or any other similar
67 alcohol-related or drug-related traffic offense is a conviction
68 of driving under the influence.

69 (3) If the person is convicted of:

70 (a) A first offense of driving under the influence under
71 s. 316.193 and has an unlawful blood-alcohol level or breath-
72 alcohol level as specified in s. 316.193(4) or, if the person is
73 convicted of a violation of s. 316.193 and was at the time of
74 the offense accompanied in the vehicle by a person younger than
75 18 years of age, the person shall have the ignition interlock
76 device installed for a period of 6 months for the first offense
77 and for a period of not less than 2 years for a second offense.

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(b) A second offense of driving under the influence, the ignition interlock device shall be installed for a period of not less than 1 year.

(c) A third offense of driving under the influence which occurs within 10 years after a prior conviction for a violation of s. 316.193, the ignition interlock device shall be installed for a period of not less than 2 years.

(d) A third offense of driving under the influence which occurs more than 10 years after the date of a prior conviction, the ignition interlock device shall be installed for a period of not less than 2 years.

(4) If the court fails to order the mandatory placement of the ignition interlock device or fails to order for the applicable period the mandatory placement of an ignition interlock device under s. 316.193 or s. 316.1937 at the time of imposing sentence or within 30 days thereafter, the department shall immediately require that the ignition interlock device be installed as provided in this section, except that consideration may be given to those individuals with a documented medical condition that would prohibit the device from functioning normally. This subsection applies to the reinstatement of the driving privilege following a revocation, suspension, or cancellation that is based upon a conviction for the offense of driving under the influence which occurs on or after July 1, 2005.

Section 4. This act shall take effect July 1, 2005.